GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Minorities Welfare Department – The Andhra Pradesh State Waqf Rules,2023 under Section 109 of the Waqf Act, 1995 (as amended by Act No.27 of 2013) in supersession of the Andhra Pradesh Waqf Rules, 2000 and the Andhra Pradesh State Waqf Board Conduct of Election Rules, 1996 – Notification – Orders – Issued.

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MINORITIES WELFARE (IDM-I) DEPARTMENT

G.O.Ms.No.2 **Dated:17.03.2023**

Read the Following:-

1. G.O.Ms.No.192, Minorities Welfare (WAQF-I) Department, dt. 30.11.2000.
2. G.O.Ms.No.68, Minorities Welfare (WAQF) Department, dt. 27.05.1996.
3. The Wakf (Amendment) Act, 2013 No. 27 Of 2013 (An act to amend the Wakf Act, 1995).

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O R D E R

In the G.O. first read above, Government has made the Andhra Pradesh Waqf Rules,2000 and the same has been published in Part I, Extra-ordinary issue of the Andhra Pradesh Gazette, dated 8th February, 2001 in exercise of powers conferred by section 109(1) of the Waqf Act, 1995 (Central Act No.43 of 1995) in super session of the Rules on the subject.

2. In the G.O. second read above, Government has made the Andhra Pradesh State Waqf Board Conduct of Election Rules,1996 and the same has been published in Part II, Extra-ordinary issue of the Andhra Pradesh Gazette, dated 28th May, 1996 in exercise of powers conferred by section 109(1) and 109(2)(iv) read with sub-section (2) of Section 14 of the Waqf Act, 1995 (Central Act No. 43 of 1995).

3. In the reference third read above, the Waqf Act, 1995 is amended by the Waqf (Amendment) Act, 2013 and published in the Part-II, Extra-ordinary Gazette of India dated:23.09.2013.

4. Government, therefore, decided to make the Andhra Pradesh Waqf Rules, 2023 in supersession of the Andhra Pradesh Waqf Rules, 2000 and the Andhra Pradesh State Waqf Board Conduct of Election Rules, 1996 in exercise of powers conferred by section 109 of the Waqf Act, 1995 (as amended by Act No.27 of 2013 w.e.f.01.11.2013).

5. Accordingly, the following notification shall be published in the Extra-ordinary issue of Andhra Pradesh Gazette, dated:17.03.2023:

NOTIFICATION

"In exercise of powers conferred by section 109 of the Waqf Act, 1995 (as amended by Act No.27 of 2013), the Government of Andhra Pradesh hereby makes "The Andhra Pradesh State Waqf Rules, 2023" in super session of the Andhra Pradesh Waqf Rules, 2000 and the Andhra Pradesh State Waqf Board Conduct of Election Rules, 1996 for effective implementation of certain provisions of the Act with reference to relevant sections of the Act".

(PTO)

The Andhra Pradesh Waqf Rules, 2023

CHAPTER- I

1. Short title and commencement

(1) These rules may be called the Andhra Pradesh State Waqf Rules, 2023.

(2) These rules shall come into force from the date of publication in the Official Gazette.

(3)These rules are issued in supersession of the earlier rules comprised in the Andhra Pradesh Waqf Rules, 2000 and the Andhra Pradesh State Waqf Board Conduct of Election Rules, 1996.

2. Definitions:-

(1) In these rules, unless the context otherwise requires:-

(a)"Act" means the Waqf Act, 1995 (Central Act No. 43 of 1995)

(b)"Additional District Waqf Officer" means the District Minority Welfare Officer appointed / deputed by the State Government.

(c)"Ballot Box" includes any box, bag or other container used for the insertion of the ballot papers by voters;

(d)"Collector" means the Collector of the District-in-charge of Revenue Administration appointed by Government;

(e)"Deed" means registered document effecting transfer of Waqf property;

(f) "District Waqf Officer" means the District Revenue Officer in the District deputed by the Government;

(g)"District Waqf Inspector" means the employee of the Andhra Pradesh State Waqf Board at the district level who reports to the Additional District Waqf Officer;

(h)"Election" means an election to fill a vacancy in the office of the members of the Andhra Pradesh State Waqf Board, under clauses (i),(ii),(iii) and (iv) of section 14(1) (b) of the Act;

(i) "Election Authority" means the Special Chief Secretary / Principal Secretary / Secretary / Special Secretary to Government, Minorities Welfare Department, Government of Andhra Pradesh;

(j) "Election Officer" means any officer authorised or appointed by the Election Authority to do any act or to perform any function in connection with the conduct of elections under these Rules;

(k)"Elector" in relation to an election to any category of Member of the Board means any person whose name is specified in the electoral of that category unless disqualified by the Election Officer;

(l) "Electoral Roll "means a list of the voters prepared under sub-rule (1) of Rule 8 of these Rules;

(m)"Form" means a Form appended to these Rules;

(n) "Government" means Government of Andhra Pradesh.

(o)"Mutawalli" means as defined in clause (i) of section 3 of the Waqf Act, 1995.

(p)"Managing Committee" means the committee of Board constituted under section 18 of the Waqf Act, 1995;

(q)"Naib Mutawalli" means the person appointed by the Mutawalli.

(r)"Premises" means constructed structure or its landed property endowed as Waqf and includes:

(i) the garden, water bodies, grounds, if any, appurtenant to such building or part of the building;

(ii) any fixtures affixed to such building or part of the building for the more beneficial enjoyment thereof; and

(iii) dargah, grave, graveyard, khanqah, peerkhana, karbala, maqbara, mosque, tomb and the courtyard appurtenant thereto;

(s)"Remuneration to Mutawalli" means an annual remuneration towards the services rendered by the Mutawalli;

(t)"Muzawar" means a person appointed by the Mutawalli of a Dargah, Ashurkhana or Shrine to discharge the religious functions assigned to him from time to time;

(u)"Election Officer" means an officer authorized or appointed by Election Authority to do any act or to perform any function in connection with the conduct of election under these Rules;

(v)"Special Officer" means so appointed under section 99 of the Waqf Act, 1995;

(w)"Waqf premises" means-

(i) any premises dedicated by a person of movable or immovable property orally or by an instrument in writing and used for any purpose recognized by Muslim law as pious, religious or charitable;

(ii) premises notified as waqf property in the Official Gazette; or

(iii) premises registered as waqf in the Register of auqaf maintained by the Board; or

(iv) property treated as waqf by user;

All words and expressions used in these Rules and not defined in these Rules but defined in the Waqf Act, 1995 shall respectively have the same meaning as assigned to them in the Act.

CHAPTER – II

3.The Qualifications required to be fulfilled by a person to be appointed as a Mutawalli under clause (i) of section 3 R/w section 109 (2) (i) of the Act :-

(1) A Mutawalli of a Waqf Institution shall possess the following qualifications and submit details in prescribed format in **Form – 1**.

(a) He shall be a person professing Islam.

(b) He shall be a Major having age of 18.

Provided that if such applicant is a minor he shall make a claim through his legal guardian to be appointed as Mutawalli. Such legal guardianship shall be in force only until the applicant attains majority.

(c) He shall be of sound mind and capable of performing the functions and discharge the duties of Mutawalli.

(d) He should not have been convicted of any offence of criminal breach of trust or any other offence involving moral turpitude and such conviction has not been reversed and he has not been granted full pardon with respect to such offence;

(e) He shall possess the knowledge of speaking and writing Urdu or Telugu or English and shall also possess the administrative knowledge of management of Auqaf.

(f) He shall not have any direct or indirect interest in subsisting lease in or contract made with, or work being done for, or arrears of any due by him to, the Waqf Institution for which he is to be appointed as Mutawalli.

(g) He shall not have violated or breached any provisions of the Act, these Rules and conditions of his earlier appointment:

(h) He shall be ineligible if his qualifications as mentioned in the Deed of Waqf do not conform to the tenets of Islam.

(2) In case of availability of Waqif or his successors in respect of the created Waqf, the person or persons shall be considered for the appointment of Mutawalli as per the Waqfnama or as per the statement of Waqif given in writing before the two witnesses.

(3) In case of a Waqf created in a site belonging to Village / Municipality / Corporation, the Survey Commissioner of Waqf shall enter the Andhra Pradesh State Waqf Board as Mutawalli of the respective created Waqf.

(4) In case of a Waqf created over the land purchased through donations the mutawalli will be as per the name of the person or persons or any NGO mentioned in such documents, and in case of any ambiguity in respect of such mutawalli, the Survey Commissioner of Waqf shall enter the name of Andhra Pradesh State Waqf Board as Mutawalli.

(5) In case of created Waqf being maintained by any individual or organization or trust or committee satisfactorily, the Survey Commissioner of Waqf shall record the name of such management as Mutawalli subject to production of satisfactory proof of such management.

(6) If any Mutawalli dies or retires or refuses to act in terms of Waqfnama or is removed under the Act or if the office of Mutawalli becomes vacant and there is no provision in Waqf deed regarding succession to the office, the successor of such Mutawalli will be the one as per the contents of Waqfnama, Custom or usage.

(7) On the death or retirement or removal of a notified Mutawalli, the successor shall notify the change to the Board within three (3) months for his recognition.

(8) The heir or successor claiming the hereditary post of the Mutawalli shall make his claim within a period of twelve (12) years.

4. Other particulars which the report of the Survey Commissioner of Auqaf under clause (f) of sub-section 3 of section 4 R/w section 109 (2) (ia) of the Act:-

The report to be submitted by the Survey Commissioner of Waqf to the Government under sub-section (3) of section 4 of the Act shall be in prescribed **Form-2.**

5. Powers of the Commissioner while making enquiry under clause (f) of sub-section (4) of section 4 R/w section 109 (2) (ii) of the Act:-

1. The Commissioner shall, while making an enquiry under sub-section (4) of section 4 have the power conferred under the provisions of the code of Civil Procedure, 1908.

2. Any order passed by the Survey Commissioner of Waqf under Sub-Rule (1) shall be executed by the Civil Court having competent jurisdiction.

6. Particulars to be included in the list of Auqaf to be published by the State Government under sub-section (2) of section 5 R/w section 109 (2) (iii) of the Act :-

The particulars of a list of Auqaf to be published by State Government under section 5 of the Act shall be in prescribed **Form – 3.**

CHAPTER- III

7. The manner of election of members of the Board under sub-section 2 of section 14 R/w section 109 (2) (iv) of the Act :-

(1) The Special Chief Secretary/ Principal Secretary / Secretary to the Government, Minorities Welfare Department, shall be the Election Authority for the purpose of conduct of elections of members under clause (b) of sub-section (1) of section 14 of the Act and he shall have powers of the superintendence, direction, control and conduct of election of members of the Andhra Pradesh State Waqf Board under these Rules.

(2) The Joint Secretary / Deputy Secretary/ Assistant Secretary to the Government, Minorities Welfare Department, shall be the Deputy Election Authority, for the purposes of conduct of elections under the Act and these Rules.

(3) Deputy Election Authority shall perform all or any of the functions of the Election Authority, subject to the control of the Election Authority.

(4) The Election Authority shall appoint an Election Officer who shall be responsible for the smooth conduct of elections under these Rules:

Provided that such Election Officer shall be appointed from amongst the persons holding a Gazetted post in the Government.

(5) The Election Authority may appoint one or more persons from the amongst the officers of the Government, as Assistant Election Officers to assist the Election Officer.

(6) Every Assistant Election Officer, shall be competent to perform all or any of the functions of the Election Officer subject to the control of the Election Officer:

Provided that the Assistant Election Officer shall not perform any function of the Election Officer which relates to the scrutiny of nominations.

(7) Subject to other provisions of these Rules, the Election Authority, shall have the power to perform the following functions, namely,-

(a) to fix the date, place and time of the election;

(b) to notify the form of notice, nomination, letter of intimation, declaration paper, ballot paper, ballot paper cover and the envelope for the election, the form of any other record to be prepared or maintained in relation to an election and the instructions to be contained in the notification for the conduct of election;

(c) to decide, in case of doubt, the validity or invalidity of each ballot paper of each vote recorded thereon;
(d) to declare the result of each election; and
(e) to fix—
(i) the date of election;
(ii) the last date for receipt of nomination;
(iii) the date of scrutiny of nomination and publication of list of candidates vaGlidly nominated;
(iv) the last date and hour for withdrawal of candidature;
(v) the date of publication of the final list;
(vi) the date and hour for poll;
(vii) the date and hour of scrutiny and counting of votes.

(8) The election under these Rules shall be held in accordance with the system of proportional representation by means of single transferable vote.

8. Electoral roll:-

(1) The Election Authority shall obtain the list of persons eligible to vote in the. categories mentioned in sub-clauses (i), (ii), (iii) and (iv) of clause (b) of sub-section (1) of section14 of the Act from the officers specified in sub-rule (2) and the list of such persons shall form the electoral college for that category and the persons whose names find place in the list, shall be electors for that category of members.
(2) The category-wise lists shall be obtained as follows: -
(a) For the election of Muslim Members of Parliament from the State or as the case may be, the National Capital Territory of Delhi under section 14(1)(b)(i) of the Act, from the Secretary General, Lok Sabha/ Rajya Sabha;
(b) For the election of Muslim Members of State Legislature under section14(1)(b)(ii) of the Act, from the Secretary, Legislative Assembly/Council;
(c) For the election of Muslim Members of Bar Council of the concerned State or Union Territory under section 14(1)(b)(iii) of the Act, from the Secretary of State Bar Council;
(d) For the election of Mutawallis under section 14(1)(b)(iv) of the Act, from the Chief Executive Officer, Andhra Pradesh State Waqf Board by providing ten (10) clear working days of the Board.

9. Election by Mutawallis:-

For the purposes of preparing the electoral roll of the mutawalli under clause (d) of sub-rule (2) of Rule 8, the Chief Executive Officer shall give one week's time to the Mutawalli(s), or as the case may be, to the managing committees to select.

(a) the senior most mutawalli, to be the representative of such waqf institution in the case of waqf institutions having more than one mutawalli; and

(b) the President of the managing committee, as the representative of such waqf institution in the case of waqf institution being administered by a managing committee:

Provided that if the waqf institution fails to so select and communicate to the Chief Executive Officer the name of the senior most mutawalli or President of the managing committee, such senior most mutawalli and the President of the managing committee shall be deemed to have been selected and their names shall be incorporated in the electoral rolls for the purpose of constituting the electoral college:

Provided further that only those mutawallis or the representatives of the managing committees shall be eligible to vote who are registered with the Board and having annual income of Rs.1,00,000/- (Rupees one lakh only) in the preceding year and have paid annual contribution payable to the Board under section 72 of the Act, up to the preceding year.

10. Electoral rolls of Ex-Muslim Members of Parliament; Ex-Muslim Members of State Legislature and Ex-Muslim Members of the Bar Council under section 14 (2) of the Act:-

In case there are no Muslim Members in any of the categories mentioned in sub-clauses (i) to (iii) of clause (b) of sub-section (1) of section 14 of the Act, the Ex-Muslim Members of the Parliament, the State Legislature or Ex-Member of the State Bar Council, as the case may be, shall constitute the electoral college and a separate electoral roll shall be maintained for each such category.

11. Displaying of lists:-

The electoral lists obtained under Rule 8, 9 and 10 shall be displayed on the notice board of the Election Authority, office of the Andhra Pradesh State Waqf Board and office of District Minorities Welfare Officer (DMWO), not less than fourteen (14) days before the date of elections and shall be published in Urdu, Telugu and English/local language in the newspapers having circulation in the area.

12. Filing of objections:-

(1)Any person aggrieved by the publication of electoral lists under Rule 8, 9 and 10 may file the objection petition before the Election Authority within seven (7) days of such publication, for addition, deletion or modification of any name.

(2)The Election Authority after going through the objection petition, and after obtaining any further information from any source, as he may deem fit and proper, and after giving personal hearing to the objector or petitioner or to any other person, if it feels necessary, shall pass orders on the objection petition.

(3)In the light of the orders passed, under Sub-Rule (2), if the electoral roll requires any modification, the Election Authority, after incorporating such modification,

shall publish the final electoral roll not less than seven (7) days before the date of election and such electoral roll shall be final and conclusive list of electors for election.

13. Public notice of intended election: -

(1) The Election Authority shall, subject to such directions as may be issued by the Government, by notification in the prescribed **Form– 4(a),** published in the Official Gazette, call on such date or dates as may be specified therein, to elect members of the Board in accordance with the provisions of the Act and these Rules.

(2) The notification issued under sub-rule (1) shall specify the last date for making nominations, the date for scrutiny of nominations, the last date for withdrawal of candidature, the place and date on which and the time during which the poll shall, if necessary, be held.

(3) On the issuance of the notification under sub-rule (1), the Election Officer shall give public notice of the intended election for the members of the Board in the prescribed **Form-4(b)** in Urdu, Telugu and English language in the newspapers having circulation in the area.

14. Special election programme:-

Notwithstanding anything contained in these Rules, where the election process is interrupted or the election programme has to be altered on account of the orders of any Court or for any other valid reason, to be recorded in writing, it shall be competent for the Election Authority either generally or in respect of specified category of members to cancel the election schedule notified under these Rules and to re-notify the election schedule as it deems fit in the circumstances of the case:

Provided that where the election schedule is re-notified under this Rule, the nominations already submitted shall also be cancelled.

15. Nomination of candidates: -

(1) A person may be nominated as a candidate to fill the office of the member of the Board in the prescribed **Form-5,** if he is qualified to be chosen to fill the seat under the provisions of the Act.
(2) The nomination shall be presented on or before the appointed date by the candidate in person, between the hours specified, to the Election Officer at the place specified, and signed by the candidate or by a person duly authorized by him in this behalf.
(3) A candidate for any of the categories specified in clause (b) of sub-section (1) of section14 of the Act shall be a person whose name is registered in the electoral roll of that category.
(4) Each candidate shall be nominated on a separate nomination paper.
(5) A candidate may be nominated for more than one of the categories specified in sub-section (1) of section 14 of the Act.

16. Presentation of nomination paper and requirement of valid nomination: -

(1) On receipt of the nomination paper, the Election Officer shall forthwith number the nomination papers serially in the order in which it is presented and give a receipt in the prescribed **Form – 6.**

(2) The Election Officer or such other authorized person shall satisfy himself that the name and number of the candidate, as entered in the nomination paper, is the same as entered in the electoral roll and wherever necessary, he shall direct that the nomination form be amended so as to be in accordance with the electoral roll.

(3) The Election Officer may, while interpreting an entry in the electoral roll overlook mere clerical or printing errors, but he shall record the interpretation adopted by him, together with the reasons, while making the formal acceptance or rejection of a nomination.

17. Publication of nominations received: -

Immediately after expiry of the time specified for receipt of nomination papers on the dates fixed for that purpose, the Election Officer or such other authorized person shall publish at his office a list in the prescribed **Form– 7** of all the nominations received in Urdu, Hindi, Telugu and English a list of all the nominations received, with a notice that the nomination papers shall be taken up by the Election Officer for scrutiny at the specified place, date and the time.

18. **Oath of affirmation: -**

Every candidate shall at the time of filing the nomination or at any time before its scrutiny of nomination take oath of affirmation in the prescribed **Form – 8** before the Election Officer or the Assistant Election Officer.

19. Scrutiny of nomination papers: -

(1)On the date appointed for scrutiny of the nominations, the candidate, and one other person duly authorized in writing by such candidate, may attend at such time and place as may be specified under Rule 17.

(2)The Election Officer may admit such other persons as he thinks fit to assist him and shall give to such persons all reasonable facilities to examine the nomination papers of all the candidates.

(3)The Election Officer shall examine the nomination papers and all objections which may be made at the time to any nomination and may, either on such objection or on his own motion after such summary inquiry as he thinks necessary, reject any nomination on any of the following grounds, namely:

(a)that the candidate is ineligible for election as a member of that particular category of the Board;

(b)that the candidate incurred any of the disqualifications specified in section 16 of the Act or these Rules;

(c)that the name of the candidate is not entered in the electoral rolls;

(d)that the candidate has failed to comply with any of the provisions of these Rules; or

(e)that the signature/thumb impression of the candidate in the nomination paper is not genuine:

Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or of any other particulars relating to the candidate as entered in the electoral roll, if the identity of the candidate is otherwise established beyond reasonable doubt.

(4)The Election Officer shall endorse on each nomination paper, his decision, accepting or rejecting the same and, if the nomination paper is rejected, he shall, record in writing a brief statement of his reasons for such rejection.

(5)The scrutiny of the nomination paper shall, as far as practicable, be completed on the date appointed in this behalf and no adjournment of the proceedings shall ordinarily be permissible, except at the discretion of the Election Officer, to provide an opportunity to a candidate to rebut any contention raised against his candidature.

(6)For the purposes of this rule, a certified copy of an entry in the electoral roll for the time being in force of any of the category of member of the Board shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that category of member of the Board, unless it is proved that he is subject to any disqualification mentioned in the Act or in these Rules.

(7)Immediately after the nomination papers have been scrutinized and the decisions, accepting or rejecting the same, have been recorded, the Election Officer shall prepare a list of nominations found valid under each category and display it on the notice board of his office in the prescribed **Form - 9.**

20. Withdrawal of nomination: -

Any candidate may withdraw his nomination in writing in the prescribed **Form–10,** signed by him and delivered to the Returning Officer either in person or by his authorized agent not later than five O'clock in the evening of the appointed last date for withdrawal and the Election Officer shall give a receipt for the same on being satisfied as to the genuineness of the notice of withdrawal and the identity of the person delivering it.

21. Publication of list of contesting candidates: -

(1) On the following day, after the withdrawal of nominations, the Election Officer shall prepare in Urdu, Telugu and English languages a list in the prescribed **Form– 11** of the persons whose nominations have been found valid and display it on the notice board of his office and the office of the Board.

(2) The list prepared under Sub-Rule (1) shall contain the names of the candidates as described in their nomination paper in Urdu, Telugu and English languages duly arranged in English alphabetical order.

22. Declaration of result of uncontested candidate: -

(1) If the number of contesting candidates is equal or less than the number of vacancies in a particular category, the Election Officer shall forthwith declare such candidate as duly elected in the prescribed **Form– 12** and send the same to the Election Authority.

(2) If the number of contesting candidates is more than the number of vacancy or vacancies in a particular category, poll shall be conducted.

23. Death of candidate before poll:-

If a contesting candidate dies and a report of his death is received before the commencement of the poll, the Election Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and election proceedings shall be started afresh in all respect as if for a new election:

Provided that no fresh nomination shall be necessary in the case of a candidate who stood validly nominated at the time of countermanding of the poll.

24. Voting:-

(1) If poll is to be conducted, the Election Officer shall take necessary action for the conduct of poll and shall see that the election is fairly conducted at the polling station, and regulate the number of electors to be admitted at one time, and shall exclude all persons other than the following:

(a) the candidate;
(b) the police officer or other public servants on duty;
(c) such persons as the Election Officer may from time to time admit for the purpose of identifying electors;
(d) persons authorized by the Government;
(e) a child in arms accompanying an elector; and
(f) a person accompanying a blind or infirm elector who cannot move without help.

(2) Where a woman elector cannot be identified by the Election Officer by reason of her observing purdah, she may be required to be identified by any mode to the satisfaction of the Election Officer.

25. Right of vote:-

(1) Voting is to be in person.

(2) All electors voting at an election shall do so in person at the polling station provided for them under these Rules.

(3) Counting shall be arranged at the end of the polling for the election of each category of members specified in clause (b) of sub-section (1) of section 14 of the Act.

(4) The Election Officer shall provide at each polling station, sufficient number of ballot boxes, together with copies of the electoral roll containing the names of electors entitled to vote and such other papers and articles necessary for electors to mark the ballot papers, stationery and forms, as may be necessary.

(5) Immediately before the commencement of the poll, the Election Officer shall demonstrate to the candidates or their polling agents that the ballot box is empty.

26. Form of ballot paper:-

(1)Every ballot paper shall contain serial number of list and list of contesting candidates in Urdu, Telugu and English duly arranged in English alphabetical order.

(2) Every ballot paper shall, before issue to an elector, be

(a) stamped or shall be written on its back
(i) name and category of member
(ii) place of election

(b) signed in full on its back by the Election Officer

27. Issue of ballot paper:-

Immediately after a ballot paper is issued to an elector, the Election Officer shall obtain the signature of elector in token of having received the ballot paper, on the office copy of electoral roll to be retained by the polling officer for record.

28. Maintenance of secrecy of voting by electors and voting procedure: -

(1) Every elector to whom a ballot paper has been issued under Rule 27 shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) The elector on receiving the ballot paper, shall forthwith
(a) proceed to the voting compartment;
(b) record his first, second, third and so on preference by writing numericals 1, 2 and 3 and so on against the names of the contestants, he intends to give the preference; and
(c) insert the folded ballot paper into the specified ballot box.

(3) Every elector shall vote without any delay.

29. Blind and infirm voters:-

(1)If owing to blindness or other physical infirmity, an elector is unable to recognize the names of the contestants on the ballot paper or to write preference thereon, the Election Officer shall record the vote on the ballot paper in accordance with the wishes of the elector, fold it and insert it into the ballot box.

(2)While acting under this rule, the Election Officer shall observe secrecy and shall keep a brief record of each such instance, but shall not indicate there in the manner in which any vote has been exercised.

30. Challenge to identity:-

(1) Any candidate may challenge the identity of a person claiming to be a particular elector by first depositing, a sum of one hundred rupees in cash with the Election Officer for each such challenge.

(2) On such a deposit being made, the Election Officer shall
(a) warn the person challenged, of the penalty for impersonation; and
(b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in the entry or not.

(3) The Election Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
(b) put the person challenged any question necessary for the purpose of establishing his identify and require him to answer them on oath; and
(c) administer an oath to the challenger and any other person offering to give evidence.

(4) If, after the inquiry, the Election Officer considers that the challenge has not been established, he shall allow the person challenged to vote and if he considers that the challenge has been established, he shall debar the challenged person from voting.

(5) If the Election Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under Sub-Rule (1) be forfeited to the Government and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

31. Spoilt and returned ballot papers:-

(1)An elector who has inadvertently dealt with his ballot paper may, by delivering it to the Election Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as “Spoilt cancelled” by the Election Officer.

(2)If an elector, after obtaining a ballot paper decides not to use it, he shall return it to the Election Officer, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as “Returned cancelled” by the Election Officer.

(3)All ballot papers cancelled under sub-rules (1) and (2) shall be kept in a separate packet.

32. Opening of Ballot box:-

(1) The counting of votes shall commence immediately after the poll at the same place where voting took place.
(2) The Election Officer immediately after the poll at the same place shall
(a) open the ballot box, count the ballot papers and ensure that the number of ballot papers found in the box is the same as the number of ballot papers issued as per the office copy of the electoral roll;
(b) separate the ballot papers which he deems valid from those which he had rejected endorsing on each of the latter the word “Rejected” and the ground of rejection.

33. Invalidity of ballot papers:-

(1) ballot paper shall be invalid in any one or more of the, following cases
(a) same preference is recorded against more than one name
(b) numerical preference is so placed as to render it doubtful to which candidate it is intended to apply;
(c) the numericals or such other figures are written opposite to the names in such a manner that it is not possible to ascertain the intended preference of the elector;
(d) there is any mark or writing by which the elector can be identified.

34. Counting of votes:-
(1) After rejecting the ballot papers which are invalid, the Election Officer shall

(a) count the maximum number of first preference votes polled by a candidate, then count the maximum number of second preference votes polled by a candidate and so on and arrange the name of candidates in that order;
(b) after such counting, the candidate having obtained maximum number of first preference votes shall be declared elected if the number of vacancy is one and in case of vacancies being two, candidates having obtained maximum number of first and second preference votes shall be declared elected for the second vacancy.

(2) When at the end of counting, each of the contesting candidates has the same value of votes and no surplus remains capable of transfer, the Election Officer shall decide by lot which of them shall be excluded, and the other candidates, by drawing lots, the candidate shall be declared elected:

Provided that the detailed procedure indicated in Part VII of the Conduct of Election Rules,1961 framed under the Representation of the People’s Act, 1951 (Act No. 43 of 1951), shall be followed for this purpose.

35. Provision of re-count:-

(1) Any candidate or in his absence, his authorized agent may, at any time during the counting of votes, either before or after the completion of the counting of votes, request the Election Officer to re-examine and re-count the votes of all or any candidate and the Election Officer may re-examine and re-count the same accordingly.

(2) The Election Officer may, in his discretion, re-count the votes either once or more than once in any case in which he is not satisfied as to the accuracy of any previous count Provided that nothing in this Sub-Rule shall make it obligatory on the Election Officer to re-count the same votes more than once.

36. Declaration of result and return by Election Officer:-

(1) Upon the completion of counting, the Election Officer shall, subject to the foregoing provisions, declare the result of the election in the prescribed **Form - 12**, as may be appropriate and send signed copies thereof, to the Election Authority.

(2) The Election Officer shall thereafter

(a) Place the valid ballot papers in one packet and the rejected ballot papers in another;
(b) Seal with the seal of the Election Officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals on each of the packets referred to in clause (a); and
(c) Record on each of the sealed packets the description of its contents and the date of election.

37. Grant of certificate of election to candidate:-

As soon as may be, after a candidate has been declared elected, the Election Officer shall grant to such candidate a certificate of election in the prescribed **Form-13** and obtain from the candidate an acknowledgment of its receipt duly signed by him.

38. Material to be submitted after election:-

(1) After completion of the election, the Election Officer shall submit the following to the Election Authority for being kept in safe custody for record

(a) packet of ballot papers;
(b) office copy of the electoral roll and counterfoils of ballot papers issued with signatures of the electors having received the ballot paper;
(c) brief report about fair and peaceful conduct of poll mentioning important incidents, if any, during the poll, including challenges made about the identity of any elector and the decision of Election Officer thereon;
(d) office copy of certificate of election issued to elected candidates and acknowledgment receipts of the same; and

(e) any other relevant paper(s).

(2) The record submitted to the Election Authority shall be preserved for a period of one year or till the final disposal of petition relating to election, if any, whichever is later.

39. Making of necessary nominations:-

Government shall make necessary nominations for filling up of the vacancies under categories (c), (d) and (e) of sub-section (1) and sub-section (3) of section 14 of the Act.

40. Appointment of members of the Board:-

(1) After receipt of the names of the elected members under clause (b) of sub-section (1) and the nominated members under clauses (c), (d) and (e) of sub-section (1) and sub-section(3) of section 14 of the Act, the Government shall issue a notification under sub-section(9) of section 14 appointing the members of the Board:

Provided that the date, place and time of election of the Chairperson shall also be specified in the notification issued under this Sub-Rule, giving the members, one week's notice.

(2) The notification issued under sub-rule (1) shall be published in the Official Gazette and in one newspaper of Telugu, English and Urdu of the area.

(3) At least two members appointed on the Board shall be women.

41. Filling up of casual vacancy Under section 21:-

(1) If any casual vacancy occurs in any of the categories specified in clause (b) of sub-section (1) of section 14 of the Act, by virtue of resignation or death or otherwise of a member, a new member shall be elected in his place, in accordance with the proviso to section 21.

(2) On receipt of the result of the election from the Election Officer, the Government shall issue notification in the Official Gazette under sub-section (9) of section 14 of the Act, appointing such person as member of the Board.

42. Election of the Chairperson:-

(1) After the appointment of the members to the Board under section 14 or in case of the Chairperson of the Board vacates Office for any reason before the expiry of his term a meeting shall be held giving not less than 10 clear days' notice for the purpose of election of Chairperson shall be convened by the Chief Executive Officer for the purpose to elect one from amongst of the members as Chairperson under the proviso to section 14 (8) of the Act.

(2) (a) The notice shall be issued by the Chief Executive Officer and Ex-Officio member stating the time, date & place of the said meeting.

(b) Such meeting shall be presided over by a member elected from amongst the members present by simple majority.

Provided that such presiding member shall having the right to vote, but shall not have the right of a casting vote;

Provided further that in the event of a tie, the election of the presiding member shall be decided by a toss;

(3) The name of the candidate to the post of Chairperson shall be proposed by a member, which shall be seconded by the member and the voting shall be by the secret ballot.

(4) A membe r shall have only one vote and the candidate securing the highest number of votes shall be declared to have been elected as a Chairperson.

(5) In case of consensus in respect of the candidature of the Chairperson, he shall be elected as Chairperson.

(6) The election of the Chairperson and the proceedings of the meeting convened to elect the Chairperson shall be recorded and it shall form the minutes of the meeting.

(7) In case of a tie, the names of the candidates shall be put to lot and the Chairperson shall be selected from the lot.

(8) Where a dispute arises as to the validity of election of the

(a) Chairperson or any Member of the Board, any person interested may within (30) thirty days of the declaration of the result of the election file an application before the Tribunal and the decision of the Tribunal thereon shall be final.

(b) No suit or other legal proceedings shall lie in any civil court in respect of any dispute/question or other matter relating to the election of Chairperson or Member of the Board.

(9) The Tribunal shall dispose of the application within one year of its filing.

(10) Expenses for the conduct of election of the Members and the Chairperson of the Board shall be borne by the Government.

CHAPTER – IV

43. Allowances to the Chief Executive Officer:-

(1) The Chief Executive Officer can claim and draw TA & DA and actual accommodation / lodging & boarding charges for travelling out of the Head Quarters on official duty.

(2) Allowances to the staff members of the Board

The Chief Executive Officer shall pay TA & DA and actual accommodation / lodging & boarding charges to its officers / staff members whenever they travel and camped out of headquarters on official duty as per their eligibility with reference to Government order.

44. Term of office and other conditions of service under sub-section (2) of section 23 R/w section 109 (2) (v) of the Act :-

(1) (i)The post of the Chief Executive Officer and Ex-Officio Member shall be filled up by the State Government in consultation with the Board by deputation of a Government servant working as Deputy Collector or a person holding equivalent or higher post:

Provided that the State Government may, subject to such conditions as may be specified, allow any person to continue to work as Chief Executive Officer and Ex-Officio Member, after such person attains the age of superannuation during the period of his deputation in the Board.

(ii) The period of deputation shall ordinarily be one year subject to extension by the State Government for another two years from time to time.

(2) To be eligible for appointment to the post of Chief Executive Officer and Ex-Officio Member, a candidate must be Muslim, conversant with general administration preferably having experience of the work connected with Revenue or Judicial Departments:

Provided that he should have put in a minimum service of not less than ten (10) years in any Gazetted post under the State Government.

(3) The Rules relating to Government employees lent on foreign services shall mutatis mutandis apply to the Chief Executive Officer and Ex-Officio Member. He shall also be governed by the State Government Rules relating to travelling allowances and leave while on deputation to Waqf Board.

45. Conditions and Restrictions to inspect any public office, records or registers by Chief Executive Officer or any other Officer sub-section (1) of section 29 R/w section 109 (2) (vi) of the Act:-

(1) The Chief Executive Officer of the Board or any other Officer of the Board duly authorized by him in this behalf shall make an application in **Form-14** for the purpose of section 29.

(2) In case of concerned authority refuses to produce the such records, registers, documents of movable or immovable properties to the Chief Executive Officer or any other Officer of the Board duly authorized in this behalf, the Chief

Executive Officer shall report to the Union Government / State Government to ensure for securing the documents, records, registers etc., for inspection.

46. Time limit for production of documents by mutawalli or any other Person under sub-section (2) of section 29 R/w section 109 (2) (via) of the Act:-

The Mutawalli or any other person having custody of documents relating to Waqf properties shall produce the same within ten (10) days before the Chief Executive Officer.

47. Issue of the records under sub-section (3) of section 29 R/w section 109 (2) (vib) of the Act :-

Copies, records shall be issued by the Board within fifteen (15) days from the date of application. In the case an endorsement has to be issued, the reason for same has to be given. The time for inspection of documents may be as prescribed by circulars issued from time to time.

CHAPTER – V

48. Appointment of Executive Officer and supporting staff under sub-section (1) of section 38 R/w section 109 (2) (vii) of the Act :-

(1) Board shall appoint a person from any of the following categories to be Executive Officer under Sub-Section (1) of section 38 of the Act, namely:

(i) a retired officer of the State/Central Government not below the rank of Group B and who is not more than sixty-two years of age: or

(ii) an officer in the equivalent grade from any of the State/Central Civil Services or any official of the Board in the cadre of Superintendent/Manager of equivalent cadre who possesses a Bachelor's degree of any recognized University and have a minimum of ten years of service.

(2)The appointment of a retired officer under Sub-Rule (1) shall be on contract basis and the scale of pay and other allowances admissible for the post of Executive Officer shall be fixed by the Board.

(3) If the appointment is a part time appointment, a suitable honorarium may be fixed by the Board.

(4) If the appointment is by deputation of a Government Servant, his period of deputation, terms of service and the pay and allowances shall be regulated as per Civil Services Rules.

(5) If the appointment of Government servant is in addition to his own duties, he shall be entitled to draw such remuneration as may be fixed by the Board.

(6) If the appointment is by promotion of a Superintendent/Manager, the post must carry the scale of pay as fixed by the Board.

(7) An Executive Officer may also be considered for appointment on an Honorary basis.

(8) For any Waqf having a gross annual income of not less than five lakhs rupees, the Executive Officer may be provided with the following supporting staff as deemed necessary, namely:

(a) Rent Collector/Manager/Sheristedar: One
(b) Clerk-cum-Typist : One
(c) Revenue Clerk/Patwari /Bill Collector: One

49. Manner of enquiry to be held by the Chief Executive Officer under sub-section (1) of section 39 R/w section 109 (2) (viii) of the Act : -

(1) The Chief Executive Officer shall in every case where an enquiry is ordered Under section 39, issue in the first instance a notice in **Form-15** to all the persons interested in relation to the Waqf calling for their objections.

(2) The Chief Executive Officer shall then proceed to hold an summary enquiry after considering oral and documentary evidence produced by the parties and shall pass a speaking order.

CHAPTER – VI

50.Budget of Waqf Institutions under Direct Management of the Board under sub-section (1) of section 45 R/w section 109 (2) (ix) of the Act :-

(1) All the Waqf institutions under direct management shall maintain the books and registers for maintenance of its accounts by District Waqf Inspector / Concerned Waqf Inspector.

(2) The concerned Inspector Auditor / Executive Officer of respective Waqf institutions under direct management shall submit the budget in respect of ensuing financial year by end of November.

(3) The Chief Executive Officer shall prepare the list of all the Waqf under the direct management of the Board for which Budget for the ensuing financial year is to be prepared in the month of March of the current financial year in the prescribed **Form-16.**

(4) The Chief Executive Officer shall get the Budget prepared under sub-section (1) of section 45 with all the details of estimated receipts and expenditure for the next financial year.

(5) The Budget so prepared shall have a statement furnishing details of the increase, if any, in the income of the Waqf during the current year and also the steps taken for its better management and results.

(6) The Chief Executive Officer, Andhra Pradesh State Wakf Board shall computerise the accounts of the Wakf institutions under the direct management of the Board and enable online pre-audit by the Local Fund Audit Department.

51. Report of Audit under sub-section (1) of section 47 R/w section 109 (2) (x) of the Act :-

(1) The Mutawalli/Managing Committee of every Waqf institution shall get the accounts audited by the local audit fund Department and furnish report to the Board on or before 31st March every year.

(2) If the Mutawalli/Managing Committee fails to produce the records to the auditor, action under Section 61 shall be initiated against the Mutawalli/ Managing Committee by the Chief Executive Officer.

(3) The accounts of the wakf-institutions shall be computerised and enable online pre-audit by the Local Fund Audit Department.

52.Procedure for recovery of Waqf Property under section 52 R/w section 109 (2)(xii) of the Act :-

(1) The Board shall address to the Sub-Registrar to furnish details in regard to the said transfer within whose jurisdiction any immovable Waqf property is transferred in contravention of section 51.

(2) On the requisition of the Board, the concerned Sub-Registrar shall furnish the details within fifteen (15) days of receipt of such requisition.

(3) The Board or any Officer authorised by it shall verify the details of the property with reference to the records obtained in Sub-Rule-(2) and proceed further to issue and serve notices to the transferor and the transferee. The said notice shall contain all the details of such transactions as received from the Sub-Registrar.

(4) The notice issued under Sub-Rule (3) shall, inter alia, call upon the transferor and the transferees to explain within fifteen (15) days from the date of receipt of the notice as to the nature of their right in respect of the said Waqf property.

(5) The board on considering the material as aforesaid shall arrive at a satisfaction as regards the nature of the said property and If the Board is satisfied that the said waqf property has been transferred in violation of section 51(i)(A), it shall send requisition to the Collector under **Form - 17** to secure the position of the said property and delivery the same to the board as provided under section 52 (2), (3) and (5).

(6) If while taking possession of such immovable property, the person in possession bound by the order or any other person claiming under him does not afford free access, the Collector or any officer duly authorized by him in this behalf shall remove or open any lock or bolt or break open any door or do any other act necessary for putting the Board in possession of the property. The Collector

shall get the occupant evicted, and if necessary, remove him by force and deliver vacant possession of the property to the Board or any officer authorized by it in this behalf.

(7) The District Collector shall as far as practicable initiate and complete the process of eviction within three (3) months from the date of expiry of time period under section 52(4) from the date of receipt of the requisition.

53.Procedure for eviction of encroacher under sub-section (1) and sub-section (3) of section 54 R/w section 109 (2) (xiii) of the Act:-

(1) Notice to be issued to the encroacher under sub-section (1) of section 54 shall be in prescribed **Form-18** , and shall be served through messenger or by post or by recognized courier service or by affixing a copy thereof in some conspicuous part of the house premises if any, in which the encroacher is known to have last resided or carried on business or personally worked for gain, or in such other manner as authority things fit at his last known residence , or by tendering to an adult member or servant of his family or by affixing the notice on any conspicuous part of the property encroached by him; or in any such manner as authority deem fit.

(2) The Chief Executive Officer after service of notice under Sub-Rule (1), conduct a summary enquiry under Sub-Rule (3) and record his findings.

54. Procedure for Instituting Enquiries under sub-section (1) section 64 or section 71 R/w section 109(2)(xiv) of the Act :-

(1) (a)No application for inquiry relating to administration of the Waqf under section 70 shall be admitted by the Waqf Board, unless a fee of Rs.100/- (Rupees one hundred only) is deposited in the Waqf Board treasury through a Challan / crossed bank draft or crossed postal order.

(b) No application for inquiry shall be entertained unless supported by an affidavit and accompanied by the copies equal to the number of respondents plus two extra copies in the prescribed **Form – 19**.

(c) The parties to the proceedings shall deposit in cash in the office of the Board, a fee @ Rs.25/- (Rupees twenty five only) for issuance of summons or notices to each respondent or witness, and @ Rs.50/- (Rupees fifty only) for summoning the documents.

(d) In addition to the fee prescribed above the party summoning the witnesses shall bear the batta of such witnesses fixed by the Board and shall deposit the same in advance with the office of the Board.

(2) Notice of inquiry shall be sent by Registered Post with Acknowledgement Due at least fifteen (15) days before the date fixed for the inquiry, to the parities concerned specifying the date, hour, and place fixed for holding such inquiry.

(3) A copy of the notice shall be fixed on the notice board of the office of the Board and in any other conspicuous place in any locality in which the property is situated. Such affixture shall be deemed to be sufficient service.

(4) All persons who appear in response to the notice may, within the time fixed in the notice or within such further time as may be granted, file written statements.

(5) Any party to the proceedings shall have a right to appear in person or through Counsel.

(6) The inquiry shall be summary and the Inquiring Officer shall record the Memo of Evidence.

(7) The Board or any person authorised in this behalf while holding an inquiry shall have the same powers as are vested in a Civil Court under Orders XXXIX, XL and XXVI of the Code of Civil Procedure, 1908 in respect of the following matters, namely :-

(i) temporary injunctions and interlocutory orders;
(ii) appointment of Receiver for management of the proper which is the subject-matter of the enquiry; and
(iii) appointment of a Commissioner for the purpose of this rule.

(8) The provisions of the Code of Civil Procedure, 1908, and Civil Rules of Practice and Circular Order,1990 shall apply, as far as practicable, to the appearance of pleaders, production of documents, examination on affidavits, marking of documents, issue of commissions, return of documents, and pronouncement of judgment.

55. (1) The Waqf Board may appoint an officer or a person who is a retired Judicial Officer/ Practicing Advocate having standing of ten (10) years experience/Gazetted Officer having knowledge of Administration in Government departments such as Revenue, Co-operative, Registration, Agriculture to conduct an enquiry into the charges against a Mutawalli as required under sub-section (3) of section 64 of the Act.

(2)The Enquiry Officer shall furnish the Charge Memo to the Mutawalli along with a list of witnesses and documents on which the charges are proposed to be sustained.

(3)The Enquiry Officer shall give a notice to the Mutawalli fifteen (15) days in advance specifying the date, hour and a place fixed for holding enquiry. The enquiry shall be summary and the Enquiry Officer shall record the Memorandum of evidence.

(4) The Enquiry Officer shall complete the enquiry as expeditiously as possible and in no case he shall take more than six (6) months for concluding the enquiry. Otherwise, the Enquiry Officer shall be held responsible for the delay, and appropriate action may be taken against him.

(5) The Enquiry Officer shall submit his enquiry report to the Andhra Pradesh State Waqf Board, within fifteen (15) days from the date on which the Enquiry has been completed and Board may take a decision on the above enquiry as contemplated in sub-section (3) of section 64 of the Act.

(6) The Board shall, in case it has decided to remove the Mutawalli, issue a Notice to the latter, affording to him an opportunity to Show Cause, within a reasonable time, not earlier than fifteen (15) days from the date of service of the Notice, as to why he should not be removed from the Office of the Mutawalli.

(7) The Board shall consider the explanation offered by the delinquent and if it is found to be not satisfactory, may pass a Resolution, in terms of sub-section (3) of section 64 of the Act, removing the Mutawalli. The order of removal shall be communicated forthwith to the Mutawalli.

(8) The Board shall appoint an Executive Officer/Committee to manage the affairs of the Waqf Institution concerned.

56. Annual report of the Auqaf under direct management of the Board under sub-section (3) of section 65 R/w section 109(2)(xv) of the Act :-

The report to be sent to the State Government under sub-section (3) of section 65 shall be submitted in **Form-20** on or before 30th June of the year.

57. Term of Management and supersession of Auqaf and removal of its members under sub-section (2) of section 67 R/w section 109(2) (xiv) of the Act :-

(1) The Board shall issue notice to the committee against whom action is contemplated under sub-section (2) of section 67.

(2) The Board shall issue a notice to the member of any Managing committee proposed to be removed under sub-section (6) of section 67 of the Act.

58.Manner of consultation under sub-section (1) of section 69 R/w section 109(2)(xvii) of the Act :-

(1) The Board shall issue a notice in **Form -21** to the Mutawalli concerned and to every person interest in the Waqf and the Board shall also affix the said notice to a conspicuous place of the institution regarding scheme of the administration to be framed under sub-section 1 of section 69 of the Act.

(2) The Board shall examine the objections or suggestions to the scheme of administration received in response to the notice under Sub-Rule (1) and give an opportunity to be heard and accord approval to the scheme of administration with such modifications as it deem fit.

59.Affixture of orders made under sub-section (3) of section 69 R/w section 109 (2)(xviii) of the Act :-

Every order made under sub-section (3) of section 69 shall be affixed at the Office of Andhra Pradesh State Waqf Board, District Waqf Officer / DRO, Addl. District Waqf Officer / DMWO and at any conspicuous place of Waqf institution and a copy thereof shall also be sent to the Committee of the Waqf concerned.

CHAPTER – VII

60. Demand and Recovery of Waqf Contribution under section 72 R/w section 109(2)(xix) of the Act:-

(1) The Mutawalli/Managing Committee shall furnish to the Chief Executive Officer of the Board or authorized persons in this behalf, the statement indicating the net annual income of the Waqf and the contribution payable before 31st March of every year.

(2) The District Waqf Officer / Addl. District Waqf Officer / District Inspector Auditor, Waqf concerned shall verify the said assessment and fix up the actual demand for payment of Waqf contribution at the rate of seven percent by 30th April every year and maintain a Register of Demand, Collection and Balance.

(3) The Board shall maintain a D.C.B. Register based on the assessment made and approved by the District Waqf Officer and also keep a copy of demand prepared by each of the District Waqf Officer with reference to each Waqf institution.

(4) Every Mutawalli / Managing Committee who defaults to pay the Waqf contribution shall be issued with a Notice regarding the payment of Waqf contribution by the Chief Executive Officer.

(5) If the Mutawalli/Managing Committee fails to pay the amount demanded under Sub-Rule (4), action shall be taken to recover the same as arrears of land revenue.

61.Payment of monies into Waqf Fund and investment of such money under section 77 R/w section 109 (2) (xx) of the Act:-

(1) The Board may authorize one of its officers (hereinafter referred to as the “authorised Officer”) to receive till payments to the Waqf fund and to pass receipt for the same on behalf of the Board and to make payments on behalf of the Board.

(2) The authorised officer shall grant receipts for all monies received by him to the credit of the Waqf fund. A counterfoil receipt bearing printed receipt numbers shall be maintained for the purpose.

(3) All such monies shall immediately be deposited in;

(i)A Scheduled Bank as defined in the Reserve Bank of India Act,1934, or

(ii) A Post Office Savings Bank; or

(iii)The State Co-operative Apex Bank Ltd., Amaravarthi.

(4) The Chairperson and the Chief Executive Officer of the Board shall have the power to jointly withdraw from and deposit in the Bank any amount and operate on the Bank account. If any one of them is absent, the Board may authorize any one of its officers, excepting the Accounts Officer, to jointly operate on the Bank Account.

(5) No money shall be withdrawn from the Bank, unless it is required for immediate payment for the purposes of the Board.

(6) The authorised officer may be authorised by the Board to hold a recoupable permanent advance not exceeding Rs. 10,000/-(Rupees Ten Thousand only) for meeting petty expenditure.

(7) The appropriation of receipts to expenditure shall not be effected.

(8) Payment from the Waqf fund shall be made by cash or cheque. Cheques shall not however be issued for a sum less than Rs. 100/- (Rupees one hundred only).

(9) Monies indisputably payable, shall not be left unpaid and monies paid shall, under no circumstances, be kept out of the account a day longer unless absolutely necessary.

(10) Any person having a claim against the Board shall present a voucher in the form prescribed by the Board duly receipted and stamped with a revenue stamp if the amount of the claim exceeds Rs. 500/- (Rupees five hundred only).

(11) All bills shall prepared and signed in ink. In preparing a bill, full rupee shall be written in figures as well as in words and fraction thereof shall be written in terms of paise in figures. Where the amount consists of full rupees only, the word "only" shall be written after mentioning the amount.

(12) When a bill is presented on account of charges incurred under any special orders, the order sanctioning the charge shall be quoted in the bill and copies of sanctions accompanying such bills shall be duly certified.

(13) Date of payment shall be noted by the payee in his acknowledgement. If, for any reason such as illiteracy or the presentation of receipt in anticipation of payment, it is not possible to note the date of payment by the payee. The date of actual payment shall be noted by the disbursing officer, under his initials, either separately for each payment or by groups as may be convenient.

(14) Every claim against the Board shall be checked by the Accounts Officer of the Board before payment. Any excess payment made in any bill shall be

recovered in cash from the payee or by deducting the amount to the amount of excess payment from a subsequent bill of the payee.

(15) The authorised officer shall be required to furnish to the bearer securities or sureties for such amount as the Board may specify in that behalf. Solvency of sureties shall be got verified by the concerned Tahsildar, Revenue Divisional Officer or Collector at the beginning of each year.

(16) An officer authorised to handle the money of the Waqf fund shall be responsible for its custody and also for reimbursing it to the Board in cash in case of any loss by theft, fraud, fire or any other cause:

Provided that, if in any case, after such an enquiry the Board may make, the Board is satisfied that the loss was not due to any negligence on the part of such officer, the Board shall not insist on reimbursement of the amount of the loss by the said officer but may write it off.

(17). If any balance makes after meeting the expenditure during the year shall be invested by the Board;

(a) in promissory notes, debentures, stocks or other securities of the Central Government or State Government;

(b) in stock or debentures of or shares in companies, the interests wherein have been guaranteed by the Central Government or the State Government;

(c) in debentures or other securities for money issued by or on behalf of any local authority under the authority of any Act of a Legislature; and

(d) in fixed deposits for periods not exceeding three (3) years or in Certificate of deposits in: -

(e) Scheduled Bank as defined in the Reserve Bank of India Act,1934; or

(f) The State Co-operative Apex Bank-Ltd., Amaravathi.
However, it shall be ensured that the return on investment is maximum.

(18) **Statement of Receipts:-**

(i) Statement of Demand of Waqf Contribution
(ii) Statement of Maintenance Grants
(iii) Statement of Rents received
(iv) Statement of other grants
(v) Statement of interest on Deposits in Banks
(vi) Statement of Honorarium to Pesh Imam and Mouzans– **Form – 22.**
(vii) Statement of grant received by the Board for the purpose of payment of maintenance to the Muslim women under clause (g) of sub-section (4) of section 77 of the Act – **Form – 23.**

(19) **Statement of Expenditure: -**

(i) Statement of salaries and other allowances to the Officers and staff of the Board – **Form – 24.**

(ii) Statement of honorarium, sitting fee and other allowance to the Chairperson and Members of the Board – **From – 25.**

(iii) Statement of expenditure on contingencies of the Board–**From- 26.**

(iv) Statement of expenditure incurred for preservation and protection of Waqf Properties – **Form – 27.**

(v) Statement of Honorarium to Pesh Imam and Mouzans – **Form – 28.**

(vi) Statement of payment of maintenance to the Muslim women under clause (g) of sub-section (4) of section 77 of the Act – **Form – 29.**

62.Time within which the budget should be prepared and submitted under section 78 R/w section 109 (2) (xxi) of the Act:-

(1) The Board shall in the month of December every year prepare its budget for the ensuing financial year and shall forward a copy thereof to the State Government, on or before the 15th day of that month. The Budget shall contain provisions, adequate for the due discharge of all liabilities in respect of loans contracted by the Board and for the maintenance of working balance- **Form- 30, 31.**

(2) The authorised heads or receipts and expenditure of the Board shall be as shown all receipts and expenditure of the Board shall be accounted for under these heads- **Form- 30,31.**

CHAPTER- VIII

63. Time limit of application before the Tribunal under sub-section (2) of section 83 R/w section 109 (2) (xxii) of the Act :-

Any person aggrieved by any decision or order passed by the Board in exercise of its powers under the Act, Rules and Regulations, may prefer an application or appeal to the Tribunal within sixty (60) days from the date of decision or order in matters where no time limit for preferring an application or appeal before the Tribunal is prescribed under the Act.

64. The Terms and Conditions of appointment including the salaries and allowances payable to the Chairman and other members under sub-section (4A) of section 83 R/w section 109 (2) (xxiia) of the Act:-

(1) The salary, allowances and service conditions of the Chairman and the Members under sub-section 4(a)&(b) of section 83 shall be as admissible in their respective departments. They are also entitled for deputation and other allowances as admissible. The expenditure shall be met from the funds of the Andhra Pradesh State Wakf Board.

(2) The salary for the member under sub-section 4(c) of section 83 will be Rs.75,000/- (Rupees seventy five thousand only) per month and also eligible to drawn TA & DA on par with the Gazetted Officer Grade-II.

(3) The period of Chairman and Members of the Tribunal shall be for a period of three (3) years.

(4) The State Government shall, appoint such number of staff as commensurate with the requirement of the Tribunal**.**

65. Procedure of the Tribunal under sub-section (6) of section 83 R/w section 109 (2) (xxiii) of the Act :-

The Tribunal may follow its own procedure for the effective and speedy disposal of the proceedings before it. However, the Tribunal shall see that the principles of natural justice will not be violated, and for that purpose it may follow the procedure contained in the Code of Civil Procedure, 1908 (Act No. 5 of 1908) if necessary.

CHAPTER- IX

66. General Annual Report of the Board under section 98 R/w section 109 (2) (xxiv) of the Act :-

(1) The Government shall as soon as may be after the First Day of April every year cause the General Annual Report of the Board to be prepared.

(2) The report shall be finalized before the 1st Day of July every year.

(3) The main points to be dealt with shall be noted against the heads concerned in the Report and all necessary information regarding sanctions etc., should be included in the report which should be comprehensive.

(4) Soon after the receipt of the report, the Government shall issue a consolidated review on the said report after placing it before the State Legislature.

67. Enquiry under sub-section (1) of section 40 R/w section 109 (2) (xxv) of the Act:-

(1) The Inspector Auditor of the District or any other Officer deputed from the Board shall collect the information for the purpose of sub-section (1) of section 40 shall submit a detail report.

(2) For the reasons envisaged under sub-section (3) of section 40, the Board shall then proceed to hold a summary enquiry after considering the oral and documentary evidence produced by the parties and shall pass a speaking order therein.

(3) The Board after making such enquiry decides the question thereby and get the entries of the said property in the Register of Waqf maintained under section 37 of the Waqf Act.

68. Appointment of the Standing Counsel / Engagement of Advocates R/w section 109 (2) (xxv): -

(1) The Board shall appoint as many number of Standing Counsel / Advocates as required in different Courts to defend on its behalf.

(2) The Waqf Board is empowered to engage any Senior Designate Advocate depending upon the gravity of the case especially in the cases involving landed properties, etc. The expenditure shall be met from the funds of the Andhra Pradesh State Wakf Board.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A MD IMTIAZ
SECRETARY TO GOVERNMENT

To

The Commissioner of Printing, Stationery and Stores Purchase Department, Muthyalampadu, Vijayawada (for publication in an extra- ordinary issued of Andhra Pradesh Gazette dt:17.03.2023).
The Director, Minorities Welfare, Tadepalli, Guntur District,
The Chief Executive Officer, A.P.State Waqf Board, Vijayawada.
Copy to:
The Secretary to Government of India, Ministry of Minority Affairs, New Delhi.
The Secretary, Central Waqf Council, New Delhi.
The Secretary to Governor, Raj Bhavan, Hyderabad.
The Secretary, Andhra Pradesh State Legislature Secretariat, Velagapudi.
The Secretary to Government, Law Department, Velagapudi.
The Advocate General, High Court, Nelapadu, Guntur.
All the Departments of Secretariat.
All Unit Heads of Minirities Welfare Department.
All the District Collectors in the State of A.P.
The Commissioner, Information and Public Relations, Andhra Pradesh, Vijayawada. (With a request to publish in all popular daily newspapers)
The Secretary to Hon'ble Chief Minister, A.P. Secretariat, Velagapudi.
P.S. to Hon'ble Deputy Chief Minister and Minister for (M.W.)
OSD to Secretary to Government, Minorities Welfare Department.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER

FORMS
(G.O.Ms.No.2, Minorities Welfare (IDM-I) Department, dt:17.03.2023)
Form -1
[See Rule – 3 (1)]
Bio-data of Mutawalli
(To be filled by the Mutawalli)

Sl.No (1)	Name (in Capital letters) (2)	Details (3)	
1	Gender		
2	Current Postal Address		
		Mandal	
		Revenue Division	
		Police Station	
		Post Office	
		PIN	
		District and State	
3	Telephone contact	STD No.	
		Telephone No.	
		Mobile No.	
		Email id	
4	Residential Postal Address at Waqf locality		
		Village	
		Mandal	
		Revenue Division	
		Police Station	
		Post Office	
		PIN	
		District and State	
		STD No.	
		Telephone No.	
		Mobile No.	
		Email id	
5	Date of Birth		
6	Age as 1st January of the Current Year		
7	Birth Place	Village	
		Mandal	
		Revenue Division	
		Police Station	
		Post Office	
		District and State	
8	Fathers Name		
9	Fathers' Address		
10	Any relation with Waqf: Yes / No		
11	If relation with Waqf is claimed, please enclose genealogy tree		Enclosed /not enclosed
12	Is there any relation with the Mutawalli of Waqf deed		Yes/No
13	Are you a practicing Muslim (Namazee)		Yes/No
14	Are you a regular Musalli of the said Waqf institution		Regular / Occasional/ No
15	Please enclose the proceedings of Mutawalli appointment		Enclosed /not Enclosed

16. Educational Qualifications (Last 5 Qualifications) (Both Islamic and modern)

Year (1)	Class (2)	School / College / University (3)	Marks % (or) Grade if available (4)	Awards / Distinctions/ Rewards / Remarks (5)

17. Current Occupation / Profession/ Vocation (Other than Mutawalli ship)if any

18. Current Professional / Vocational Address with designation:
Contact Telephone No.

19. Earlier professional experience (starting the current vocation):

Period (1)	Profession/ Designation (2)	Employer With Address and contact if available (3)	Reference if any (4)	Remarks (5)

20. Bank Account of Waqf Institution :
Bank Branch No. with Location :
Account Number :

21 How the nominee is associated with the Waqf:

22 Were you a Mutawalli / member of any earlier or previous Management Committee by any Board's proceedings? If Yes, please submit details viz., Period (Year), activities undertaken for the development of Waqf?

23 What is the Mutawallies' vision for Waqf:

A
B
C
D
E

24 Specimen Signatures of the Mutawalli:

1……..
2……..
3……..

Affix passport size photographs with self-attestation (with signature)

Candidates' Signature
Candidates' Full Name
Date/ Time/ Venue

CLAIM FOR MUTAWALLISHIP TO BE SUBMITTED BY THE CLAIMANT

A	Waqf Information	Information submitted by Mutawalli
	a) Waqf Institution Name and postal address including Village, Post Office, Police Station, Mandal, Revenue Sub-division, District	
	b) Waqf kind- Sunni or Shia or others	
	c) Name of the Wakif and details (if available)	
	d) Original Waqf deed, Patta Nos. & dates (enclose)	
	e) Nature of Waqf	
	i. Whether Pious, Religious or Charitable (or)	
	ii. Waqf by User (or)	
	iii. Mashrul-Khidmat (or Waqf-alal-aulad)	
	f) Waqf creation date	
B	a) Object of the Waqf	
	b) Original names of the beneficiaries and their address (enclose list if any).	
	c) Current beneficiaries (enclose list if any).	
C	a) Names of original Waqf deed Mutawallies and their address	
	b) Names of Mutawallies / Management Committees since Waqf creation (if available)	

	c) If there is no Mutawalli / Managing Committee earlier, who is managing the institution till date.	
	d) Enclose Board proceedings of the appointment of present Mutawalli.	
D	a) Rule of succession of Mutawalli as mentioned in Waqf deed, if any (Enclose Waqf deed)	
	b) Was Mutawalliship a hereditary as per Waqf deed	Yes/No
	c) If relation with wakif / Mutawalli mentioned in Waqf deed is claimed and availed by the Mutawalli,he/she should enclose (i) succession certificate from competent authority, (ii) death certificate of the said notified Mutawalli(ies) from competent authority, (iii) No objection certificate from other legal heirs of the said notified Mutawallies and (iv) genealogy tree	(i)succession certificate from competent authority :***Enclosed / Not enclosed*** (ii) death certificate of the said notified Mutawalli(ies) from competent authority :***Enclosed / Not enclosed*** (iii) No objection certificate from other legal heirs of the said notified Mutawallies: ***Enclosed/ Not enclosed*** (iv) genealogy tree ***Enclosed / Not enclosed***

Signature of Mutawalli

PARTICULARS OF WAQF PROPERTIES COMPRISED IN THE WAQF WITH TITLE DEEDS AND DOCUMENTS RELATING THERE OF: (ENCLOSE A ROUGH SKETCH /MAP OF EACH PROPERTY)

Property	Description of property	Mandal Village / Town	T.D.No /Survey No/House No. if any	Wet/Dry	Present usage	Area/ Extent As per Waqf Deed/Gazette No.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Lands						
Buildings						
Movable						
Total						

Market Value of Property (in Rupees)	Annual grass income (in Rupees)	Extent of illegal Encroachments/ alienation/ mortgage/gifts if any AC	Nature or description of encroachments/ Alienation/	Period during which illegalities took place	Names of 9Mutawallies / Management Committees during which	Names of I.A during encroachments

			Mortgage/gift/lease		illegalities occurred	
(8)	(9)	(10)	(11)	(12)	(13)	(14)

E.1 Please enclose the list of Encroachers / lease holders with full address and contact numbers

E.2 Details of Encroachment / alienation / leases / mortgage / gifts/ sale since the present Mutawalli taken over.

F. Waqf Income (where either full or part of the property is under tenancy)

Property (1)	Rental Value in the neighborhood / locality (2)	Actual Rental Value being paid by the tenant (3)	Rental Value reported by the Mutawalli to the Board (4)	Remarks (5)

G. Gross Waqf Income for the last five Years

Source	Year1	Year2	Year3	Year4	Current Year	Gross Income	Remarks
Total (Rs.)							

H. Expenditure under S.72 of the Waqf Act, 1995 for the last five Years (including Public dues)-verify bills/ receipts

Year	Public Dues demand					
	Land Revenue	Rates	Cesses	Taxes	Licen fee if any	Total
1	2	3	4	5	6	7
Total						

Expenditure								
Land Revenue	Rates	Cesses	Taxes	Licen fee if any	Agriculture expenditure (not exceeding 10% of Gross Income)	Sundry repairs (not exceeding 5% of annual rents derived from)	Total	Balance Dues
8	9	10	11	12	13	14	15	16

I.Net Income for the last five Years

Year	Gross Income	Expenditure under S.72 (col.15 Table H)	Net Income (2-3)	Remarks
1	2	3	4	5

J. Extent of Mutawalli remuneration

Year	Net Income	Mutawalli remuneration @10 % of net Income	Mutawalli remuneration actually being received and used	Remarks

K. Waqf Fund demand and payment status:

Year	Net Income	Waqf Fund demand @7 % of net Income	Waqf Fund actually being paid to the Board	Board receipt No. and date	Balance Due
Total					

L. Expenditure of 83% of Waqf Net Income: Development of Waqf and achievement of Waqf Objects

Head	Sub-Head	Year1	2	3	4	Current Year	Total	Remarks / Verify records/ Vouchers and physical progress
Fixed Assets for Waqf								
Recurring Expenditure	Beneficiaries if any as per Waqf deed							
	Purely religious / Object of Waqf (specify)							
	Purely charitable / Object of Waqf (specify)							
	Others (Please specify)							
	Total							

M. Dates of submission of Budget, Accounts, Audit and Board orders on Auditors report and arrears to be recovered for irregularities (Section 44-49) (please enclose receipts / acknowledgements)

Year (1)	Budget estimate (2)	Dates of submission of		Amount of Waqf fund Deposited (5)	Audit of Accounts Date (6)	Board Orders on Auditors report (7)	Amount of arrears due from Mutawalli (8)	Remarks (9)
		Waqf Budget to Board (3)	Accounts to Board (4)					

N. History of the said Waqf Administration to the extent remembered:
O. Whether the Mutawalli/ his predecessors or others filed any cases against Waqf Board or on others relating to the Waqf, if any:

Court (1)	Case No. (2)	Petitioner/ Plaintiff (3)	Respondent's of the Case (4)	Whether Board's sanction was taken or not (5)	Status of Disposal (6)	Court Order (enclose the WPs and Orders) (7)

FORM -2
(See Rule – 4)

REPORT OF SURVEY COMMISSIONER OF WAQF TO THE GOVERNMENT

1. The number of auqaf in the State, showing Shia auqaf and Sunni auqaf separately.
2. The nature and object of each waqf.
3. The gross income of the property from each waqf.
4. The amount of land revenue, cess, rates and taxes payable in respect of each .. ……. waqf.
5. The expenses incurred in the realisation of income and the pay or other ……. remuneration of the mutawalli, if any, of each waqf.
6. Particulars relating to each waqf to be given as under:
   (a) name of the waqf;
   (b) name of the waqif, if any;
   (c) date or the year of the creation of the waqf;
   (d) details of the Waqf Deed;
   (e) name of the mutawalli and his pay or remuneration, if any;
   (f) location and nature of immovable property showing the village or town where. ....…….situated along with the municipal or survey number, area, description of the ……... tenure and the estimated value thereof;
   (g) description of movable property and value thereof, including investments and ……..their particulars;
   (h) site plan of the waqf property; FMB / Town Survey plan / Street map
   (i) encumbrances, if any, on the properties mentioned in clauses (f) to (h) above;
   (j) manner of administration of waqf, whether under the scheme settled by a court of law or by a registered document or established custom or usage;
   (k) whether the waqf is already under the general supervision of the Board;
   (l) nature and value of grant received; and
   (m) total cost of survey.

SIGNATURE OF
SURVEY COMMISSIONER OF WAQF

FORM-3
(See Rule – 6)

PARTICULARS OF LIST OF WAQF

1. Name of waqf with description of waqf property (e.g. land building, graveyard etc.).
2. Location of waqf property, stating RSR / FMB., village in rural areas and mohalla, .ward, road and municipal number in case of urban property town Survey Record & Plan.
3. Nature and object of waqf.
4. Details of waqf properties, if immovable:
   (a) area, showing built up area separately;
   (b) boundaries; and
   (c) value.
5. Nature and value of movable property.
6. Date or year of creation of waqf.
7. Details of Waqf Deed.
8. Gross receipts.
9. Grants received.
10. Gross income of property comprised in each waqf.
11. Amount of land revenue, cess, rates and taxes payable in respect of such property.
12. Expenses incurred in realisation of income.
13. Details of Administration
    (i) By Custom/Usage
    (ii) By scheme settled by court
    (iii) By Schemes of Management approved by the Board.
14. Name and address of mutawalli.
15. Pay or remuneration of mutawalli of each waqf, if any.

Note— Separate list shall be prepared for Sunni and Shia auqaf.

SIGNATURE OF SURVEY
COMMISSIONER OF WAQF

FORM – 4(a)

[SEE RULE 13 (1)]

NOTIFICATION FOR THE ELECTION OF MEMBERS OF ANDHRA PRADESH STATE WAQF BOARD

i. Name/s of the Category for which election is to be held

ii. Nomination papers shall be presented
- (a) On (date)
- (b) Time between to Hours
- (c) Place
- (d) To (Whom)

iii. Scrutiny of Nomination papers
- (a) Place
- (b) Date
- (c) Time

iv. Withdrawal of Nomination
- (a) Place
- (b) Date
- (c) Time

v. Polling shall be held
- (a) Place
- (b) Date
- (c) Time

vi. Counting of votes by the Election Officer
- (a) Place
- (b) Date
- (c) Time

vii. Declaration of results
- (a) Place
- (b) Date
- (c) Time

Form - 4 (b)
[See Rule – 13 (3)]
NOTICE FOR ELECTION OF MEMBERS OF AP STATE WAQF BOARD

Notice is hereby given that:

1. An election is to be held for the election of members of the ……. Waqf Board.

2. Forms of nomination papers may be obtained from the place and at the time aforesaid

3. Nomination paper may be delivered by a candidate or his proposer to the undersigned or to……. between.10.30 A.M to 5-00 P.M. from……. to……

4. The nomination papers will be taken up for scrutiny at…… on……. at…….

5. Notice of withdrawal of candidature may be delivered by a candidate or his proposer to the undersigned or to……..at his office before 3.00 P.M. on ……..

6. In the event of election being contested the poll will be held on ……..between…… the hours…….. at……..

(Specify the place where voting is to be conducted).

ELECTION OFFICER

Place:
Date:

Form-5
[See Rule – 15 (1)]

ELECTION FOR THE OFFICE OF MEMBER OF AP STATE WAQF BOARD IN CATEGORY OF CLAUSE (b) OF SUB--SECTION (1) OF SECTION 14
NOMINATION PAPER

I nominate…….as a candidate for election to the Waqf Board, under category…….of clause(b) of sub-section (1) of Section 14:

1. Full name of candidate
2. Father's or husband's name
3. Serial number of candidate in electoral roll
4. Age
5. Sex
6. Occupation
7. Address

My name is ……..and it is entered at ……..(name of place) of electoral roll for the above category.

Date:

(Name and signature of the proposer)

CANDIDATE'S DECLARATION

I …….. declare that I am willing to stand for election and my age as shown above is correct. I also declare that:

1. I am a Muslim.
2. I am not an undischarged insolvent.
3. I have not been convicted of an offence involving moral turpitude or such conviction has been reversed or I have been given full pardon in respect of such offence.
4. I have not been in any previous occasion:
   (a) removed from office as a member or as a mutawalli; or
   (b) removed by an order of competent court or Tribunal from any position of trust either for mismanagement or corruption.

SIGNATURE OF CANDIDATE

Endorsement by Election Officer or other authorised person :

This nomination paper was presented to me.. (person) on … (date) at……. date and hour)

SIGNATURE OF THE ELECTION OFFICER/
OR OTHER AUTHORISED PERSON.

Decision of Election Officer accepting or rejecting the nomination paper:

I have examined this nomination paper in accordance with rule 16(1) and decide as follows:—

Date……. **ELECTION OFFICER**

Form - 6
[See Rule – 16 (1)]

RECEIPT FOR NOMINATION PAPER AND NOTICE FOR SCRUTINY

(To be handed over to the person presenting the nomination paper)

Serial no. of nomination paper……..
The nomination paper of …… a candidate for the election of member for category ……of the ……..Waqf Board was delivered to me at …….. (hour) on …….. by the …… candidate or a person duly authorised by him in this behalf.
All nomination papers will be taken up for scrutiny at ……. (hour) on …… (date) at ……. (Place).

Date: **ELECTION OFFICER**

Form-7
[See Rule – 17]

LIST OF NOMINATIONS RECEIVED AS ON …….. (DATE) ……
FOR THE OFFICE OF MEMBER OF THE AP STATE WAQF BOARD IN CATEGORY OF…… SECTION 14(1) (B) OF THE ACT

Serial no of Nomination	Name of the candidate Name	Farther or Husband's	Age	Occupation and address candidate	Electoral roll no of	Sex
1	2	3	4	5	6	7

The nomination paper will be taken up for scrutiny at …… A.M./P.M. on……..the dateof…… at (place).

Place: SIGNATURE OF ELECTION OFFICER
Date: Or Other Authorised Person

Form-8
[See Rule – 18]
FORM OF OATH OF AFFIRMATION TO BE MADE BY A CANDIDATE FOR ELECTION TO ANDHRA PRADESH STATE WAQF BOARD

I, …… having been nominated as candidate to fill a seat in the …….Andhra Pradesh State Waqf Board do swear in the name of Allah that I will bear true faith and allegiance to the Constitution of India as by law established and I will uphold the Sovereignty and Integrity of India.

Date: **(Signature of the Candidate)**

Acknowledgement of Oath

……., candidate has taken oath on ……(date) at ……..(time).

Election Officer
……

Certificate of Oath

This is to certify that …….has signed and read the Oath of Affirmation before me on ……..(date) .. at……(time).

(Signature)
Election/Asstt Election Officer

Form -9
[See Rule – 19 (7)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to members of the …….. Waqf Board in category …….....of clause (b)of sub-section (1) of section 14.

Sl.No	Name of the candidate	Address of the candidate
1		
2		
3		
4		
So on		

ELECTION OFFICER

Place:
Date:

Form -10
[See Rule – 20]

NOTICE TO THE ELECTION OFFICER BY A CANDIDATE FOR WITHDRAWAL OF NOMINATION
Section 14(1) (b) of the Act

To
The Election Officer,
I……., a candidate validly nominated at the above election do herebygive notice that I withdraw my candidature.

Place:
Date: SIGNATURE OF CANDIDATE

This notice was delivered to me at my office at (hour) …….. on (date)…….
By……(name).

Place:
Date:

ELECTION OFFICER

RECEIPT FOR NOTICE OF WITHDRAWAL
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidate by a candidate at the election to the office of the…….. Waqf Board in the category of section 14 (1) (b) of the Act as delivered to me at the officeat …… (hour) on (date).

Place:
Date: **ELECTION OFFICER**

Form -11
[See Rule – 21 (1)]

LIST OF CONTESTING CANDIDATES

Election to the office of the member of the ……..Waqf Board in the category …….. of section 14(l) (b) of the Act

Sl No. (1)	Name of the candidate (2)	Address of the candidate (3)	Electoral Roll No (4)
1			
2			
3			
4			
5			
Etc			

Place
Date: ELECTION OFFICER

Form -12
[See Rule – 22 (1) & 36 (1)]

DECLARATION OF RESULT OF ELECTION

In accordance with rule ……. of the ……..Election Rules, 2016, I declare that the following candidate has been duly elected for the office of the member of the ……. Waqf Board in the category of sub-clause …….. of clause (b) of sub-section (1) of section 14 of the Waqf Act,1995.

	Name	Address
1.		
2.		

Place
Date:

SIGNATURE OF ELECTION OFFICER

Form -13
[See Rule – 37]

CERTIFICATE OF ELECTION

I, ……. Election Officer for the member/members of the …… Waqf Board hereby certify and declare Shri/Smt.……..... S/o,W/o……..……. To have been duly elected to the office of the member of the ……. Waqf Board in the category of sub-clause ……..…. of clause (b) of sub-section (1) of section 14 of the Waqf Act,1995 and that in token thereof I have granted him/her this certificate of election.

ELECTION OFFICER

Place:

Date :

Secretary (……)
to the Government

FORM – 14
[See Rule 45 (1)]

Application for inspection of records / registers / others documents in any Public Office. The Movable / Immovable properties mentioned here under are.

(1) Waqf Properties belonging to _____(Waqf)

(2) Claimed to be Waqf Properties.

It is required to inspect the documents mentioned in the table below under Section 29 of the Waqf Act, 1995.

T A B L E

Sl.No	Details of movable / immovable properties	Records / Register / other documents to be inspected	Official / Person authorized
1	2	3	4
Movable			
Immovable			

You are hereby requested to permit the Official / Person authorized in the table above to inspect the said record / register and other documents immediately.

A Fee of Rs._____(in words)_____is Remitted vide challan receipt No._____dated_____

C.E.O / Authorized Officer

To
_____
_____

(here indicate the authority
to whom application is made)

Section 29 of Waqf Act, 1995 (Central Act) as amended by the Waqf (Amendment) Act, 2013

As per Section 29, the Chief Executive Officer or any Officer of the Board duly authorized by him in this behalf shall, Subject to such conditions and restrictions as may be prescribed and Subject to payment of such fees as may be levied under any law for the time being in force be entitled at all reasonable time to inspect in any public office, any records, register, or other documents relating to a Waqf or movable or immovable properties which are Waqf properties or are claimed to be Waqf properties.

Note: This Form prepared from the Karnataka Waqf Rules.

Form No. 15
[See Rule – 49 (1)]

N O T I C E

Whereas it is learnt / informed / reported that the Waqf _____has ceased to exist or that the objects or parts thereof shown in the schedule below have ceased to exist.

S C H E D U L E

Sl. No.	Name of the Waqf / Waqf Property	Details of movable property	Details of immovable property							Details of funds if any
			Sy. No./ CTS No.	Area / Extent	District	Mandal	City / Town	Village	Usage	
1	2	3	4	5	6	7	8	9	10	11

It is therefore hereby notified that an inquiry will be taken up regarding the said cessation and to ascertain the property and the funds of that Waqf and to order for recovery of the said property of funds and its utilization under Section 39 (2) of the Waqf Act.

Any objection in this behalf shall be furnished to the undersigned on _____(date) at _____(time) during the inquiry.

Chief Executive Officer

Note: This Form prepared from the Karnataka Waqf Rules.

Form - 16
[See Rule – 50 (3)]

LIST OF WAQF UNDER DIRECT MANAGEMENT

List of Waqf under direct management as on _____ for preparation of Budget under Section 45.

Sl. No.	Name of the Waqf with Address.	Name of the E.O. / District Waqf Inspector	Order No. date period of direct management
1	2	3	4

Chief Executive Officer
Dated: Andhra Pradesh State Waqf Board
Vijayawada

FORM – 17

[See Rule 52 (5)]

No. Date:

From
The Chief Executive Officer,
Andhra Pradesh State Waqf Board,
Vijayawada.

To
The Collector& District Magistrate,
…… District.

Sub:- Waqf – Recovery of Waqf Property under Illegal possession – Requisition sent U/s. 52 (1) of Waqf Act, 1995 - Requested – Reg.

The immovable property mentioned in the Schedule below is a Waqf property entered in the register of Waqf maintained under Section 26 of Waqf Act, 1995.

The Andhra Pradesh State Waqf Board after the due inquiry is satisfied that the said property has been transferred without the previous sanction of the Board in contravention of the provisions of Section 51 of Waqf Act, 1995.

Now the said property is in the illegal possession of Sri ……. S/o……. R/o…….. Ward / Village …… Mandal / City ……

Therefore in exercise of the powers conferred upon, Requisition Under Section 52 (1) of the Waqf Act 1995, is hereby sent to the District Collector of ……. District within whose jurisdiction the property is situated to obtain and deliver the possession of the said property to Sri ……

Schedule
Building or land
Details of property with boundaries

The duplicate copy of this requisition which is enclosed may please be signed in token of having received it and returned to me.

Yours faithfully,
Chief Executive Officer.

FORM – 18

[See Rule 53 (1)]

F.No. . **Date: - -2021.**

:: SHOW CAUSE NOTICE U/s 54 (1) OF WAQF ACT, 1995 ::

Sub: APSWB – Protection Section – …… District – Waqf institution name & its location …….. – A part of Waqf property to an extent of …….. in Sy.No……. of ……. (V), …….. (M) under encroachment – Notice U/s 54 (1) of Waqf Act, 1995 – Issued.

Ref: Report of Inspector Auditor, Waqfs, …….District bearing F.No……., Dt: - -2021.

******

1. Whereas, the Waqf institution …….. and its attached Waqf land Adm. Ac…….Cents in Sy.Nos…… of ……. Village, …… Mandal, …….. District are notified Waqf and got published in Andhra Pradesh Gazette No……., Dt:……. at Sl.No……..

2. Whereas, the Inspector Auditor, Waqfs, …….. District has reported vide reference cited that an extent of Ac….Cts. / ……. Sq.yds. / Sq.fts. in Sy.No…….. of …… (V), ……... (M) is under your encroachment.

3. Whereas, Sec.3 (ee) of Waqf Act, 1995 says that: “encroacher” means any person or institution, public or private occupying Waqf property, in whole or part, without the authority of law and includes a person whose tenancy, lease or license has expired or has been terminated by Mutawalli or the Board.

4. Whereas, Sec.108A of the said Waqf Act, 1995 says that: “the provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act”.

5. Therefore, take notice that the person noted in the address entry is hereby called upon to show cause as to why further necessary action as contemplated in the provisions of Waqf Act, 1995 should not be initiated against him for his encroachment over the aforementioned Waqf Property. If his reply is not received by this office within a period of (15) days from the date of the receipt of this notice, it will be construed that he have no reply to offer and further necessary action will be initiated against him as per law, for which he will be held responsible for the cost and consequences thereupon.

// Duplicate copy for Ack. & return //

CHIEF EXECUTIVE OFFICER

To
Sri / Smt. ……..
S/o / W/o / D/o ……,
R/o D.No. / H.No……..,
…… (V), …….. (M),
…… District.

(Through the I.A., Waqfs, …….. District)

Copy to: The Inspector Auditor, Waqfs, …….. District is hereby directed to serve the notice upon the addressee under acknowledgement and report compliance.

Form - 19
[See Rule – 54 (1) (b)]

Affidavit to be furnished by the Mutawalli / Person / Complainant before the Boards' Enquiry Officer
(on Rs.100/- Non judicial stamp paper)

I, ————————————, son/daughter/wife of ———————————————— aged about———— ————————————years, resident of ————————————————————is Mutawalli / Person/ Complainant of ……..……Waqf Institution……..... do hereby solemnly affirm/state on oath as under:-

The following information is submitted as enclosures, is correct to the best of my knowledge and are attested at every page. I take full responsibility for any defects / irregularities in the above stated information.

Date and Time:
Venue:

Notary:

Form-20
[See Rule – 56]

Report regarding Waqf institutions under the direct management of the Board under Section 65 of the Waqf Act.

1.Name of the Waqf Institution :
2.Details of Registration of institution under Section37 :
3.Order No. & date of taking the institution under direct management:
4.Name of the Official / Person appointed as Executive Officer of Waqf institution.
5. Income of the Waqf for the preceding year.
6.Steps taken by the Executive Officer to improve the income of Waqf.
7. Period for which the Waqf is under the direct management and reasons for not entrusting the Waqf to the Mutawalli / Managing Committee during the year.
8. Details of immovable property and the income there from.
9. Details of project intended after taking the institution under direct management.
10.No. of Resolutions made after taking the institution under the direct management.
11.Details of collection of arrears by way of rents / lease amount etc..,
12.Details of Waqf contribution paid.
13.Recommendation of the Board to the State Government regarding continuance under direct management.

Chief Executive Officer

Form No.21
[See Rule – 58 (1)]
NOTICE

(Notice Under Section 69 of the Waqf Act to the Mutawalli / managing Committee or the applicant to adopt the Scheme of Administration approved by the Board for proper administration of Waqf)

Whereas, the Andhra Pradesh State Waqf Board is satisfied by its own motion / as per the application made by not less than five persons interested in _____ (Waqf institution) that it is necessary / desirable to frame the Scheme of Administration for the proper administration of the Waqf Under Section 69 (1) of the Waqf Act.

Whereas, a Scheme of Administration it is to be formed for _____ (Waqf institution) kand whereas, in view of para (1) above, the Mutawalli / Secretary of Managing Committee of (Waqf Institution)…… Is required to propose to prepare Scheme of Administration with reference to Mansha-e-Waqif …… (Waqf Institution).

It is hereby notified that the Mutawalli / applicant shall prepare and submit the said Scheme of Administration with reference to Mansha-e-Waqif within thirty days from the date of receipt of this Notice.

The Mutawalli is directed to furnish the copy of resolution of the Managing Committee / General Body.

Chief Executive Officer,

To
The Mutawalli / Applicant
Of Managing Committee,
……
……

Copy to: The Inspector Auditor, Waqfs, …… District.

Form - 22
[See Rule – 61 (18) (vi)]

STATEMENT OF HONORARIUM TO PESH IMAM AND MOUZANS

Sl. No.	Details of O.B.	Grant received during the current year.	Total	Grants proposed for the ensuing year.	Remarks
1	2	3	4	5	7

Grand Total

ACCOUNTS OFFICER

Form -23
[See Rule – 61 (18) (vii)]

STATEMENT OF GRANT RECEIVED FOR PAYMENT OF MAINTENANCE TO THE MUSLIM DIVORCED WOMEN

Sl. No.	Details of O.B.	Grant received during the current year.	Total	Grants proposed for the ensuing year.	Remarks
1	2	3	4	5	6

Grand Total

ACCOUNTS OFFICER

Form - 24
[See Rule – 61 (19) (i)]
STATEMENT OF PAYMENT OF SALARIES AND ALLOWANCES TO THE OFFICERS AND STAFF

Sl. No.	Category & Designation	No. of Post	Scale	Expenditure during the previous ear	Expen- diture during the current year upto…	Increase by way of increments	Increase in allow-ances	Proposed expenditure for ensuing year	Remark
	1. Group		A						
	2. Group		B						
	3. Group		C						
	4. Group		D						

ACCOUNTS OFFICER

Form-25
[See Rule – 61 (19) (ii)]

STATEMENT OF PAYMENT OF HONORARIUM, SITTING FEE AND OTHER ALLOWANCES TO CHAIRPERSON AND MEMBERS

Sl. No.	Category & designation	Expenditure incurred during the pervious year 20…20…	Expenditure incurred during the current year 20…20…	Proposed expenditure for next year			Remarks	Total
				Honorarium	Sitting fee	Allowances		

ACCOUNTS OFFICER

Form - 26
[See Rule – 61 (19) (iii)]
STATEMENT OF EXPENDITURE ON CONTINGENCIES

Sl. No.	Details of Contingencies	During the previous year		During the current year		Proposed expenditure for next financial year 20…20…	Remarks
		Allotment	Expenditure	Allotment	Expenditureupto…….		
	1.Telephone						
	2. Stationery						
	3. Printing						
	4. Maintenances of Vehicle						
	5. Fuel						
	6. Office expenses						
	Grand Total:						

ACCOUNTS OFFICER

Form -27
[See Rule – 61 (19) (iv)]

STATEMENT OF EXPENDITURE ON PRESERVATION AND PROTECTION OF WAQF PROPERTIES

Sl. No.	No. of Waqf Properties	Amount spent during The previous year20…….20……	Amount spent during the current year 20…..20….	Proposal for the next financial year		Remarks
				No. of Properties	**Amount**	
Total						

ACCOUNTS OFFICER

Form-28
[See Rule – 61 (19) (v)]

STATEMENT OF EXPENDITURE ON HONORORIUM TO PESH IMAMS AND MOUZZAINS

Sl. No.	Total grants received	Grant spent during the previous year20…20……	Grant spent during the current year 20….20….	Proposal for the next financial year		Remarks
				No. of Mouzan & Pesh Imam	Amount	
Total						

ACCOUNTS OFFICER

Form-29
[See Rule – 61 (19) (vi)]

STATEMENT OF EXPENDITURE ON MAINTENANCE TO THE MUSLIM DIVORCED WOMEN

Sl. No.	Total grants received	Grant spent during The previous year20…….20……	Grant spent during the current year 20…..20….	Proposal for the next financial year		Remarks
				No. of Divorced Women	Amount	
Total						

ACCOUNTS OFFICER

Form No.30
[See Rule – 62 (1 & 2)]

BUDGET ESTIMATE OF RECEIPTS OF ANDHRA PRADESH STATE WAQF BOARD FOR THE FINANCIAL YEAR 20…….20……

Receipts

Sl.No.	Receipt	Actuals for the pervious Year	Budget estimate of current year	Revised Budget estimate for current year	Budget estimate for ensuring financial year
	1) Opening Balance				
	2) Rent of Building				
	3) Contribution from Wqaf Institution at rate 7%				
	4) Maintenance Grants				
	5) Tribunal Fee				
	6) Other Grants				
	7) Scrutiny Fee/Copying Fee				
	8) Fines and Penalties				
	9) Loans and Advances				
	10) Interest and Guarantee Commission				
	11) Sale of Forms				
	12) Recovery of Litigation Fee				
	13) Service Charges				
	14) Loan form Waqf Institution				
	15) Interest on Deposits				
	16) Raising of Securities/Debentures				
	17) Sale of Properties				
	18) Other Receipts				
	Grand total				

ACCOUNTS OFFICER

Form No.31
[See Rule – 62 (1 & 2)]

BUDGET ESTIMATE OF EXPENDITURE OF ANDHRA PRADESH STATE WAQF BOARD FOR THE FOR THE FINANCIAL YEAR 20….20…….

Expenditure

Sl. No.	Head of Expenditure	Actuals for the previous year	Budget Estimate of current year	Revised budget estimate for current year	Budget estimate for ensuing financial year
1	2	3	4	5	6
	General Administration				
	1. Deficit for previous year				
	2. a) Remuneration and allowances to the Chairperson				
	b) Sitting Fee and allowances to the Members of the Board				
	3. Salary of CEO				
	4. Salary of Officers				
	5. Establishment				
	(a) Permanent				
	(b) Temporary				
	6. Travelling Allowances				
	7. Other Allowances				
	8. Contingencies				
	a) Corporation Tax				
	b) Postage				
	c) Stationery				
	e) Electric Charges				
	f) Telephone charges				
	g) Printing Charges				
	h) Furniture				
	i) Hospitality charges				
	9. Legal charges				
	10. Interest on Loans and advances				
	11. Grants and Scholarship				
	12. Capital Expenditure on lands & buildings.				
	13. Maintenance and repairs of vehicles				
	14. Maintenances and repairs of Board’s buildings				
	15. Contribution to employees Provident Fund				
	16. Pension, Gratuity and Family Pension				
	17. Audit Fee				
	18. Contribution to CWC, New Delhi				
	19. Others				
	Grand Total:				

ACCOUNTS OFFICER